

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 15,563
)	
Appeal of)	
)	

INTRODUCTION

The petitioner appeals a decision of the Department of Social Welfare finding her and her husband ineligible for VHAP-Pharmacy payments.

FINDINGS OF FACT

1. The petitioner and her husband are an elderly couple who have been receiving assistance through the Vermont Health Access Plan pharmacy program. They were notified that their eligibility would end effective June 30, 1998, because they had an increase in income. The petitioner appealed that decision and received continuing benefits pending a decision by the Board.

2. The petitioner has income from Social Security benefits of \$447.80 per month. Her husband has Social Security benefits of \$896.80 and a pension of \$54.50 per month. The Department added all of that unearned income up and obtained a total countable income of \$1,399.10 per month. That figure was determined to be over the maximum for the VHAP-Pharmacy program.

3. The petitioner points out that she and her husband have \$43.80 per month each deducted from their Social Security benefits to pay their Medicare premiums. They have

pharmacy bills which they can ill-afford to pay on their income.

ORDER

The decision of the Department is affirmed.

REASONS

The regulations governing the VHAP-Pharmacy program require that all unearned income be counted to determine benefits including Social Security and pension funds. W.A.M. 3301.71 (b). No deductions are allowed for the payment of Medicare premiums or for any other health expenses.

The calculation performed by the Department in the petitioner's case which found a countable income of \$1,399.10 is correct. The regulations cut off eligibility for a two person assistance group in the VHAP Pharmacy program at \$1,357.00 per month. See Procedures Manual §§ 2420 B (3) A and B. As such, the petitioners were correctly determined to be ineligible and the Department's decision must be upheld.

The petitioners were pushed over the income limit by only a few dollars, apparently as the result of receiving the small pension from the husband's employer. They are encouraged to keep in touch with the Department for information regarding upward changes in the program limits

which may occur in the future.

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